

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1287 of 2020

Shiv Kumar Son of late Vansi Mahto, Resident of Mohalla- Dhaneshwar Ghat, P.S. Laheri, at Bihar Sharif, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Department of Energy, Bihar Govt. Bihar, Patna.
2. The Chief Manager, Human Resources/Adm Bihar State Power Distribution Company Ltd. Bihar Sharif, Nalanda.
3. The Senior Manager, Human Resource (Adm). South Bihar Power Distribution Company Ltd. Patna, Bihar.
4. The Chairman-Cum-Managing Director, Bihar State Power Distribution Company Ltd. Vidhyut Bhawan, Bailey Road, Patna.
5. The Deputy Chief Manager-Cum- Engineer Central Vidhut Supply Region, Patna, Bihar.
6. The Electric Supply Engineer, Nalanda Electric Supply Circle, Bihar Sharif, Nalanda.
7. The Chief Manager-Cum-The Chief Engineer, Central Electric Supply Range, Patna, Bihar.
8. The Electric Executive Engineer, M.R.T. Division, Bihar Sharif, Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Binod Pd. Singh
For the Respondent/s : Mr. S. Hussain Haque, AC to (Sc6)
For Bihar State Power
Distribution Company Ltd. Mr. Ranjit Sinha

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 24-02-2020 Heard learned Counsel for the petitioner and the learned Counsel for the respondent Company.

The petitioner is claiming quashing of the order dated 6.11.2019 rejecting his claim for compassionate appointment. The claim was made on the basis of death of his father in harness on 31.12.2009. The petitioner's case is that he had submitted his first application for compassionate appointment on 10.8.2011.

It is his submission that as on the date he submitted the application he was fulfilling the requisite qualification as at that time



Matriculation was not a requisite qualification for appointment as unskilled labour. It is submitted that laying down of the requisite qualification of Matriculation subsequently on 8.12.2014 cannot be made basis of rejecting his candidature which was made afresh in the year 2018 by Annexure 5 dated 7.6.2018.

Learned Counsel representing the Company has filed a counter affidavit. The specific stand of the respondent Company in the counter affidavit, which is also reflected from the order dated 6.11.2019 rejecting petitioner's claim for compassionate appointment, is that the petitioner was made accused in a criminal case bearing Laheri PS Case No. 262 of 2009 which was lodged by step mother alleging the petitioner to be responsible for killing his father. The petitioner had suppressed this fact and made his application in the year 2011. It is for these reasons that he did not pursue the said application till such time acquittal was recorded in the criminal proceeding i.e. 13.7.2017. Only thereafter the petitioner has made his application afresh aborting his earlier application.

The fresh application has been made on 28.6.2018. The application apart from being belated i.e. more than eight years six months after death of his father, the same was also rejected on the ground that since now the qualification of Matriculation had been laid down for consideration for compassionate appointment with effect from 8.12.2014. He was also not qualified for appointment on compassionate ground. These facts which have been raised by the respondent company in the counter affidavit have neither been denied nor disputed by filing any rejoinder though time was granted earlier for the same on 18.2.2020.

Learned Counsel for the petitioner however submits that the petitioner was falsely implicated in the case on extraneous consideration.

Such submission cannot get over the fact that the petitioner's earlier application made in 2011 suffered from



suppression and that the same was aborted by the petitioner himself. Making application eight years six months after death of his father after his acquittal in the criminal proceeding cannot breed the lief.

Otherwise ineligible claim made in view of qualification laid down in Annexures A and B of the counter affidavit. The claim made in the writ petition therefore is not found worthy of consideration.

The writ application is dismissed.

(Madhuresh Prasad, J)

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